

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

Ronald Krueger,  
Complainant,  
vs.  
Donald Springer,  
Respondent.

**ORDER FINDING PRIMA  
FACIE VIOLATION  
and  
ORDER FOR  
EVIDENTIARY HEARING**

To: Ronald Krueger, 10 4<sup>th</sup> Avenue Southwest, Elgin, Minnesota, 55932; and  
Donald Springer, RR1, Box 1210, Millville, Minnesota, 55957.

On November 15, 2004, Ronald Krueger filed a Complaint with the Office of Administrative Hearings alleging multiple violations of Minn. Stat. § 211B.04 and 211B.06 in pieces of campaign material distributed by Donald Springer to Ronald Krueger opposing the election of Merl Norman for County Commissioner of Wabasha County, District #3. After reviewing the Complaint and attached documents, the undersigned Administrative Law Judge has determined that portions of the Complaint set forth a prima facie violation of §§ 211B.04 and 211B.06.

THEREFORE, IT IS HEREBY ORDERED AND NOTICE IS HEREBY GIVEN that this matter will be scheduled for an evidentiary hearing to be held at the Office of Administrative Hearings, 100 Washington Avenue South, Suite 1700, Minneapolis, Minnesota, 55401, before three Administrative Law Judges. The evidentiary hearing must be held within 90 days of the date the complaint was filed, pursuant to Minn. Stat. § 211B.35. You will be notified of the date and time of the evidentiary hearing, and the three judges assigned to it, within approximately one week of the date of this Order. The evidentiary hearing will be conducted pursuant to Minn. Stat. § 211B.35. Information about the evidentiary hearing procedures and copies of state statutes may be obtained online at [www.oah.state.mn.us](http://www.oah.state.mn.us) and [www.revisor.leg.state.mn.us](http://www.revisor.leg.state.mn.us).

At the evidentiary hearing all parties have the right to be represented by legal counsel, by themselves, or by a person of their choice if not otherwise prohibited as the unauthorized practice of law. In addition, the parties have the right to submit evidence, affidavits, documentation and argument for consideration by the Administrative Law Judge. Parties should bring with them all evidence bearing on the case with copies for the Administrative Law Judge and opposing party or parties.

At the conclusion of the evidentiary hearing, the Administrative Law Judges will choose to: (1) dismiss the complaint, (2) issue a reprimand, (3) find a violation of § 211B.06, and/or (4) impose a civil penalty of up to \$5,000. The panel may also refer the complaint to the appropriate county attorney for criminal prosecution. A party aggrieved by the decision of the panel is entitled to judicial review of the decision as provided in Minn. Stat. §§ 14.63 to 14.69.

Any party who needs an accommodation for a disability in order to participate in this hearing process may request one. Examples of reasonable accommodations include wheelchair accessibility, an interpreter, or Braille or large-print materials. If any party requires an interpreter, the Administrative Law Judge must be promptly notified. To arrange for an accommodation, contact the Office of Administrative Hearings at 100 Washington Avenue South, Suite 1700, Minneapolis, Minnesota, 55401, or call (612) 341-7610 (voice) or (612) 341-7346 (TTY).

Dated: November 16, 2004

/s/ Cheryl LeClair-Sommer  
Cheryl LeClair-Sommer  
Administrative Law Judge

## MEMORANDUM

Ronald Krueger filed a complaint alleging that Donald Springer violated Minn. Stat. § 211B.04 by distributing pieces of campaign literature without a proper disclaimer and violated § 211B.06 by distributing campaign material with false information.

On the face of the document distributed to Ronald Krueger by Mr. Springer, no information (including no return address) is contained within the distributed documents to indicate, prominently or otherwise, the name and address of the person who prepared and disseminated the campaign material. Although Minn. Stat. § 211B.04, subd. (f) provides for an exception to the disclaimer provisions that may apply, the complaint provides sufficient *prima facie* evidence to support the allegations that the disclaimer provisions have been violated.

The allegations that Donald Springer prepared and disseminated false campaign material tending to defeat a candidate for public office are more complex. In the campaign material distributed by Donald Springer to Ronald Krueger, the handwritten word “fact” referenced a resolution in the minutes of the County Board dated October 7, 2003 accepting maintenance and vacating a piece of property to Mazeppa Township. The minutes also indicate “No Motion Made: No transfer of road.”

In the campaign material, the handwritten word “Deception” points to a copy of Merl Norman’s campaign advertisement for Wabasha County Commissioner District

#3. A highlighter leads the reader to the section relating to “Merl’s efforts” to keep Mazeppa Township Road T180 from being traded. Donald Springer’s use of the word “Deception” implies that Merl Norman’s statements regarding Mazeppa Township Road T180 were inaccurate. Based upon the evidence submitted, the Wabasha County Board of Commissioners did not agree to maintain nor vacate a portion of the road. No transfer of maintenance or vacation of land occurred.

Based upon the written minutes of the Wabasha County Board, the complainant has shown sufficient evidence to establish a prima facie case that the campaign material may have been false or “communicated with others with reckless disregard of whether it is false.”<sup>[1]</sup>

CLS

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<sup>[1]</sup> Minn. Stat. § 211B.06, subd. 1.